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EXAMINER

YOUNG, JOHN L

ART UNIT PAPER NUMBER

3622

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/917,792

Applicant(s)

GOULD ET AL.

Examiner

John L Young

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/7/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **NON-FINAL REJECTION**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **CLAIM OBJECTIONS**

2. Dependent claims 13, 17-19 & 22-24 are objected to because of a minor typographical error. It appears that claim 13 should depend from claim 12 instead of claim 7; and it appears that claims 17-19 should depend from claim 16 instead of claim 11; and it appears that claims 22-24 should depend from claim 21.

Corrections are required.

### **CLAIM REJECTION — 35 U.S.C. §103( a )**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically

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disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Von Kohorn 5,759,101 (06/02/1998) (herein referred to as "Von Kohorn").

As per claim 1, Von Kohorn (col. 112, ll. 58-65; col. 116, ll. 45-51; FIG. 41; the ABSTRACT; FIG. 1; FIG. 27; FIG. 28; FIG. 32; FIG. 22; FIG. 4; FIG. 2; FIG. 3; FIG. 6; FIG. 7; FIG. 8; FIG. 10; FIG. 20; FIG. 19; FIG. 13; FIG. 14; FIG. 18; FIG. 24; FIG. 26; FIG. 29; FIG. 30; FIG. 31; FIG. 33; FIG. 37 through FIG. 40; FIG. 42; FIG. 43; FIG. 44; col. 1, ll. 22-67; col. 2, ll. 1-67; col. 3, ll. 7-67; col. 4, ll. 1-67; col. 5, ll. 1-5 col. 5, ll. 52-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-56; col. 10, ll. 10-20; col. 11, ll. 30-43; col. 13, ll. 1-25; col. 13, ll. 65-67; col. 14, ll. 1-10; col. 14, ll. 25-40; col. 15, ll. 50-60; col. 16, ll. 10-30; col. 23, ll. 7-67; col. 24, ll. 1-67; col. 31, ll. 63-67; col. 32, ll. 1-10; col. 50, ll. 50-67; col. 51, ll. 1-10; col. 68, ll. 45-65; col. 110, ll. 25-45; col. 114, ll. 14-32; and whole document) implicitly shows: "A method of conducting an incentivized trivia contest to increase the effectiveness of advertising, comprising: storing in a computer system

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a first set of trivia questions relating to advertising; storing in said computer system a second set of trivia questions relating to content; associating said first and second sets of trivia questions with a broadcast of said advertising along with said content; selecting a subset of said first and second trivia questions to ask a member; transmitting said subset of trivia questions to said member and receiving said member's responses thereto via a communication medium; scoring said member's performance in response to said subset of trivia questions; and providing incentives to said member based upon results of said scoring."

Von Kohorn lacks explicit recitation of "selecting a subset of said first and second trivia questions to ask a member. . . ."; however, it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Von Kohorn (col. 121, ll. 65-67; col. 122, ll. 1-30; col. 4, ll. 39-65; col. 112, ll. 58-65; col. 116, ll. 45-51; FIG. 41; the ABSTRACT; FIG. 1; FIG. 27; FIG. 28; FIG. 32; FIG. 22; FIG. 4; FIG. 2; FIG. 3; FIG. 6; FIG. 7; FIG. 8; FIG. 10; FIG. 20; FIG. 19; FIG. 13; FIG. 14; FIG. 18; FIG. 24; FIG. 26; FIG. 29; FIG. 30; FIG. 31; FIG. 33; FIG. 37 through FIG. 40; FIG. 42; FIG. 43; FIG. 44; col. 1, ll. 22-67; col. 2, ll. 1-67; col. 3, ll. 7-67; col. 4, ll. 1-67; col. 5, ll. 1-5 col. 5, ll. 52-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-56; col. 10, ll. 10-20; col. 11, ll. 30-43; col. 13, ll. 1-25; col. 13, ll. 65-67; col. 14, ll. 1-10; col. 14, ll. 25-40; col. 15, ll. 50-60; col. 16, ll. 10-30; col. 23, ll. 7-67; col. 24, ll. 1-67; col. 31, ll. 63-67; col. 32, ll. 1-10; col. 50, ll. 50-67; col. 51, ll. 1-10; col. 68, ll. 45-65; col.

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110, ll. 25-45; col. 114, ll. 14-32; and whole document) implicitly shows of “selecting a subset of said first and second trivia questions to ask a member. . . .”; and it would have been obvious to modify and interpret the disclosure of Von Kohorn cited above as showing “selecting a subset of said first and second trivia questions to ask a member. . . .”, because modification and interpretation of the cited disclosure of Von Kohorn would have provided “*questions and response criteria along with a transmission of the broadcast program. . . .*” (see Von Kohorn (col. 2, ll. 40-60), based on the motivation to modify Von Kohorn so as to “*create added interest and excitement among listeners and viewers, and thus tend to increase the audience. . . .*” (see Von Kohorn (col. 2, ll. 40-60)).

As per dependent claims 2-11, Von Kohorn shows the method of claim 1 and subsequent base claims depending from claim 1.

Von Kohorn (col. 136, ll. 34-65; col. 121, ll. 65-67; col. 122, ll. 1-30; col. 4, ll. 39-65; col. 112, ll. 58-65; col. 116, ll. 45-51; FIG. 41; the ABSTRACT; FIG. 1; FIG. 27; FIG. 28; FIG. 32; FIG. 22; FIG. 4; FIG. 2; FIG. 3; FIG. 6; FIG. 7; FIG. 8; FIG. 10; FIG. 20; FIG. 19; FIG. 13; FIG. 14; FIG. 18; FIG. 24; FIG. 26; FIG. 29; FIG. 30; FIG. 31; FIG. 33; FIG. 37 through FIG. 40; FIG. 42; FIG. 43; FIG. 44; col. 1, ll. 22-67; col. 2, ll. 1-67; col. 3, ll. 7-67; col. 4, ll. 1-67; col. 5, ll. 1-5 col. 5, ll. 52-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-56; col. 10, ll. 10-20; col. 11, ll. 30-43; col. 13, ll. 1-25; col. 13, ll. 65-67; col. 14, ll. 1-10; col. 14, ll.

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25-40; col. 15, ll. 50-60; col. 16, ll. 10-30; col. 23, ll. 7-67; col. 24, ll. 1-67; col. 31, ll. 63-67; col. 32, ll. 1-10; col. 50, ll. 50-67; col. 51, ll. 1-10; col. 68, ll. 45-65; col. 110, ll. 25-45; col. 114, ll. 14-32; and whole document) implicitly shows all of the elements and limitations of claims 2-11; however,

Von Kohorn lacks explicit recitation of some of elements and limitations of claims 2-11; therefore,

Official Notice is taken that both the concepts and the advantages of those elements and limitations of dependent claims 2-11 not explicitly shown by Von Kohorn were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Von Kohorn cited above combined with the knowledge of one skilled in the art implicitly shows those elements and limitations of claims 2-11 which are not explicitly recited in Von Kohorn; and it would have been obvious to modify and interpret the disclosure of Von Kohorn cited above as implicitly showing all of the elements and limitations of claims 2-11, because modification and interpretation of the cited disclosure of Von Kohorn would have provided “*questions and response criteria along with a transmission of the broadcast program. . . .*” (see Von Kohorn (col. 2, ll. 40-60), based on the motivation to modify Von Kohorn so as to “*create added interest and excitement among listeners and viewers, and thus tend to increase the audience. . . .*” (see Von Kohorn (col. 2, ll. 40-60)).

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As per claim 12, Von Kohorn (col. 136, ll. 34-65; col. 112, ll. 58-65; col. 116, ll. 45-51; FIG. 41; the ABSTRACT; FIG. 1; FIG. 27; FIG. 28; FIG. 32; FIG. 22; FIG. 4; FIG. 2; FIG. 3; FIG. 6; FIG. 7; FIG. 8; FIG. 10; FIG. 20; FIG. 19; FIG. 13; FIG. 14; FIG. 18; FIG. 24; FIG. 26; FIG. 29; FIG. 30; FIG. 31; FIG. 33; FIG. 37 through FIG. 40; FIG. 42; FIG. 43; FIG. 44; col. 1, ll. 22-67; col. 2, ll. 1-67; col. 3, ll. 7-67; col. 4, ll. 1-67; col. 5, ll. 1-5 col. 5, ll. 52-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-56; col. 10, ll. 10-20; col. 11, ll. 30-43; col. 13, ll. 1-25; col. 13, ll. 65-67; col. 14, ll. 1-10; col. 14, ll. 25-40; col. 15, ll. 50-60; col. 16, ll. 10-30; col. 23, ll. 7-67; col. 24, ll. 1-67; col. 31, ll. 63-67; col. 32, ll. 1-10; col. 50, ll. 50-67; col. 51, ll. 1-10; col. 68, ll. 45-65; col. 110, ll. 25-45; col. 114, ll. 14-32; and whole document) implicitly shows: “A method of using a user profile to conduct a trivia contest, comprising: storing in a computer system a first set of trivia questions relating to advertising; storing in said computer system a second set of trivia questions relating to content; associating said first and second set of trivia questions with a broadcast of said advertising along with said content; storing in said computer system a demographic profile of at least one member; using said demographic profile to select a subset of said first and second trivia questions to ask said member; and; transmitting said subset of trivia questions to said member and receiving said member’s responses thereto via a communication medium.”



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Von Kohorn lacks explicit recitation of “using said demographic profile to select a subset of said first and second trivia questions to ask said member. . . .”; however, it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Von Kohorn (col. 136, ll. 34-65; col. 121, ll. 65-67; col. 122, ll. 1-30; col. 4, ll. 39-65; col. 112, ll. 58-65; col. 116, ll. 45-51; FIG. 41; the ABSTRACT; FIG. 1; FIG. 27; FIG. 28; FIG. 32; FIG. 22; FIG. 4; FIG. 2; FIG. 3; FIG. 6; FIG. 7; FIG. 8; FIG. 10; FIG. 20; FIG. 19; FIG. 13; FIG. 14; FIG. 18; FIG. 24; FIG. 26; FIG. 29; FIG. 30; FIG. 31; FIG. 33; FIG. 37 through FIG. 40; FIG. 42; FIG. 43; FIG. 44; col. 1, ll. 22-67; col. 2, ll. 1-67; col. 3, ll. 7-67; col. 4, ll. 1-67; col. 5, ll. 1-5 col. 5, ll. 52-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-56; col. 10, ll. 10-20; col. 11, ll. 30-43; col. 13, ll. 1-25; col. 13, ll. 65-67; col. 14, ll. 1-10; col. 14, ll. 25-40; col. 15, ll. 50-60; col. 16, ll. 10-30; col. 23, ll. 7-67; col. 24, ll. 1-67; col. 31, ll. 63-67; col. 32, ll. 1-10; col. 50, ll. 50-67; col. 51, ll. 1-10; col. 68, ll. 45-65; col. 110, ll. 25-45; col. 114, ll. 14-32; and whole document) implicitly shows of “using said demographic profile to select a subset of said first and second trivia questions to ask said member. . . .”; and it would have been obvious to modify and interpret the disclosure of Von Kohorn cited above as showing “using said demographic profile to select a subset of said first and second trivia questions to ask said member. . . .”, because modification and interpretation of the cited disclosure of Von Kohorn would have provided *“questions and response criteria along with a transmission of the broadcast*

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*program. . . .”* (see Von Kohorn (col. 2, ll. 40-60), based on the motivation to modify Von Kohorn so as to *“create added interest and excitement among listeners and viewers, and thus tend to increase the audience. . . .”* (see Von Kohorn (col. 2, ll. 40-60)).

As per dependent claim 13, Von Kohorn shows the method of claim 7 and the computer system included in method claim 1.

Von Kohorn (col. 121, ll. 65-67; col. 121, ll. 65-67; col. 122, ll. 1-30; col. 4, ll. 39-65; col. 112, ll. 58-65; col. 116, ll. 45-51; FIG. 41; the ABSTRACT; FIG. 1; FIG. 27; FIG. 28; FIG. 32; FIG. 22; FIG. 4; FIG. 2; FIG. 3; FIG. 6; FIG. 7; FIG. 8; FIG. 10; FIG. 20; FIG. 19; FIG. 13; FIG. 14; FIG. 18; FIG. 24; FIG. 26; FIG. 29; FIG. 30; FIG. 31; FIG. 33; FIG. 37 through FIG. 40; FIG. 42; FIG. 43; FIG. 44; col. 1, ll. 22-67; col. 2, ll. 1-67; col. 3, ll. 7-67; col. 4, ll. 1-67; col. 5, ll. 1-5 col. 5, ll. 52-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-56; col. 10, ll. 10-20; col. 11, ll. 30-43; col. 13, ll. 1-25; col. 13, ll. 65-67; col. 14, ll. 1-10; col. 14, ll. 25-40; col. 15, ll. 50-60; col. 16, ll. 10-30; col. 23, ll. 7-67; col. 24, ll. 1-67; col. 31, ll. 63-67; col. 32, ll. 1-10; col. 50, ll. 50-67; col. 51, ll. 1-10; col. 68, ll. 45-65; col. 110, ll. 25-45; col. 114, ll. 14-32; and whole document) implicitly shows all of the elements and limitations of claim 13; however,

Von Kohorn lacks explicit recitation of some of elements and limitations of claim 13; therefore,

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Official Notice is taken that both the concepts and the advantages of those elements and limitations of dependent claim 13 not explicitly shown by Von Kohorn were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Von Kohorn cited above combined with the knowledge of one skilled in the art implicitly shows those elements and limitations of claim 13 which are not explicitly recited in Von Kohorn; and it would have been obvious to modify and interpret the disclosure of Von Kohorn cited above as implicitly showing all of the elements and limitations of claim 13, because modification and interpretation of the cited disclosure of Von Kohorn would have provided *“questions and response criteria along with a transmission of the broadcast program. . . .”* (see Von Kohorn (col. 2, ll. 40-60), based on the motivation to modify Von Kohorn so as to *“create added interest and excitement among listeners and viewers, and thus tend to increase the audience. . . .”* (see Von Kohorn (col. 2, ll. 40-60)).

Independent claim 14 is rejected for substantially the same reasons as independent claim 1.

Independent claim 15 is rejected for substantially the same reasons as independent claim 1.

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As per claim 16, Von Kohorn (col. 131, ll. 25-67; col. 136, ll. 34-65; col. 112, ll. 58-65; col. 116, ll. 45-51; FIG. 41; the ABSTRACT; FIG. 1; FIG. 27; FIG. 28; FIG. 32; FIG. 22; FIG. 4; FIG. 2; FIG. 3; FIG. 6; FIG. 7; FIG. 8; FIG. 10; FIG. 20; FIG. 19; FIG. 13; FIG. 14; FIG. 18; FIG. 24; FIG. 26; FIG. 29; FIG. 30; FIG. 31; FIG. 33; FIG. 37 through FIG. 40; FIG. 42; FIG. 43; FIG. 44; col. 1, ll. 22-67; col. 2, ll. 1-67; col. 3, ll. 7-67; col. 4, ll. 1-67; col. 5, ll. 1-5 col. 5, ll. 52-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-56; col. 10, ll. 10-20; col. 11, ll. 30-43; col. 13, ll. 1-25; col. 13, ll. 65-67; col. 14, ll. 1-10; col. 14, ll. 25-40; col. 15, ll. 50-60; col. 16, ll. 10-30; col. 23, ll. 7-67; col. 24, ll. 1-67; col. 31, ll. 63-67; col. 32, ll. 1-10; col. 50, ll. 50-67; col. 51, ll. 1-10; col. 68, ll. 45-65; col. 110, ll. 25-45; col. 114, ll. 14-32; and whole document) implicitly shows: “A method of creating a report indicative of the effectiveness of advertising, comprising: storing in a computer system a first set of trivia questions relating to advertising; storing in said computer system a second set of trivia questions relating to content; associating said first and second set of trivia questions with a broadcast of said advertising along with said content; transmitting said first and second sets of trivia questions to a member and receiving said member’s responses thereto via a communication medium; and using answers to said first and second sets of trivia questions to create a report indicative of effectiveness of said advertising.”

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Von Kohorn lacks explicit recitation of “using answers to said first and second sets of trivia questions to create a report indicative of effectiveness of said advertising. . . .”; however, it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Von Kohorn (col. 131, ll. 25-67; col. 136, ll. 34-65; col. 112, ll. 58-65; col. 116, ll. 45-51; FIG. 41; the ABSTRACT; FIG. 1; FIG. 27; FIG. 28; FIG. 32; FIG. 22; FIG. 4; FIG. 2; FIG. 3; FIG. 6; FIG. 7; FIG. 8; FIG. 10; FIG. 20; FIG. 19; FIG. 13; FIG. 14; FIG. 18; FIG. 24; FIG. 26; FIG. 29; FIG. 30; FIG. 31; FIG. 33; FIG. 37 through FIG. 40; FIG. 42; FIG. 43; FIG. 44; col. 1, ll. 22-67; col. 2, ll. 1-67; col. 3, ll. 7-67; col. 4, ll. 1-67; col. 5, ll. 1-5 col. 5, ll. 52-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-56; col. 10, ll. 10-20; col. 11, ll. 30-43; col. 13, ll. 1-25; col. 13, ll. 65-67; col. 14, ll. 1-10; col. 14, ll. 25-40; col. 15, ll. 50-60; col. 16, ll. 10-30; col. 23, ll. 7-67; col. 24, ll. 1-67; col. 31, ll. 63-67; col. 32, ll. 1-10; col. 50, ll. 50-67; col. 51, ll. 1-10; col. 68, ll. 45-65; col. 110, ll. 25-45; col. 114, ll. 14-32; and whole document) implicitly shows “using answers to said first and second sets of trivia questions to create a report indicative of effectiveness of said advertising. . . .”; and it would have been obvious to modify and interpret the disclosure of Von Kohorn cited above as showing “using answers to said first and second sets of trivia questions to create a report indicative of effectiveness of said advertising. . . .”, because modification and interpretation of the cited disclosure of Von Kohorn would have provided “*questions and response criteria along with*

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*a transmission of the broadcast program. . . .” (see Von Kohorn (col. 2, ll. 40-60), based on the motivation to modify Von Kohorn so as to “create added interest and excitement among listeners and viewers, and thus tend to increase the audience. . . .” (see Von Kohorn (col. 2, ll. 40-60)).*

As per dependent claims 17-19, Von Kohorn shows the method of claims 16 and/or 11.

Von Kohorn (col. 131, ll. 25-67; col. 136, ll. 34-65; col. 112, ll. 58-65; col. 116, ll. 45-51; FIG. 41; the ABSTRACT; FIG. 1; FIG. 27; FIG. 28; FIG. 32; FIG. 22; FIG. 4; FIG. 2; FIG. 3; FIG. 6; FIG. 7; FIG. 8; FIG. 10; FIG. 20; FIG. 19; FIG. 13; FIG. 14; FIG. 18; FIG. 24; FIG. 26; FIG. 29; FIG. 30; FIG. 31; FIG. 33; FIG. 37 through FIG. 40; FIG. 42; FIG. 43; FIG. 44; col. 1, ll. 22-67; col. 2, ll. 1-67; col. 3, ll. 7-67; col. 4, ll. 1-67; col. 5, ll. 1-5 col. 5, ll. 52-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-56; col. 10, ll. 10-20; col. 11, ll. 30-43; col. 13, ll. 1-25; col. 13, ll. 65-67; col. 14, ll. 1-10; col. 14, ll. 25-40; col. 15, ll. 50-60; col. 16, ll. 10-30; col. 23, ll. 7-67; col. 24, ll. 1-67; col. 31, ll. 63-67; col. 32, ll. 1-10; col. 50, ll. 50-67; col. 51, ll. 1-10; col. 68, ll. 45-65; col. 110, ll. 25-45; col. 114, ll. 14-32; and whole document) implicitly shows all of the elements and limitations of claims 17-19; however,

Von Kohorn lacks explicit recitation of some of elements and limitations of claims 17-19; therefore,

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Official Notice is taken that both the concepts and the advantages of those elements and limitations of dependent claims 17-19 not explicitly shown by Von Kohorn were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Von Kohorn cited above combined with the knowledge of one skilled in the art implicitly shows those elements and limitations of claims 17-19 which are not explicitly recited in Von Kohorn; and it would have been obvious to modify and interpret the disclosure of Von Kohorn cited above as implicitly showing all of the elements and limitations of claims 17-19, because modification and interpretation of the cited disclosure of Von Kohorn would have provided “*questions and response criteria along with a transmission of the broadcast program. . . .*” (see Von Kohorn (col. 2, ll. 40-60), based on the motivation to modify Von Kohorn so as to “*create added interest and excitement among listeners and viewers, and thus tend to increase the audience. . . .*” (see Von Kohorn (col. 2, ll. 40-60)).

Independent claim 20 is rejected for the same reasons as independent claim 12.

Independent claim 21 is rejected for substantially the same reasons as independent claim 16.

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As per dependent claims 22-24, Von Kohorn shows the method of claims 21 and/or 16.

Von Kohorn (col. 131, ll. 25-67; col. 136, ll. 34-65; col. 112, ll. 58-65; col. 116, ll. 45-51; FIG. 41; the ABSTRACT; FIG. 1; FIG. 27; FIG. 28; FIG. 32; FIG. 22; FIG. 4; FIG. 2; FIG. 3; FIG. 6; FIG. 7; FIG. 8; FIG. 10; FIG. 20; FIG. 19; FIG. 13; FIG. 14; FIG. 18; FIG. 24; FIG. 26; FIG. 29; FIG. 30; FIG. 31; FIG. 33; FIG. 37 through FIG. 40; FIG. 42; FIG. 43; FIG. 44; col. 1, ll. 22-67; col. 2, ll. 1-67; col. 3, ll. 7-67; col. 4, ll. 1-67; col. 5, ll. 1-5 col. 5, ll. 52-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-56; col. 10, ll. 10-20; col. 11, ll. 30-43; col. 13, ll. 1-25; col. 13, ll. 65-67; col. 14, ll. 1-10; col. 14, ll. 25-40; col. 15, ll. 50-60; col. 16, ll. 10-30; col. 23, ll. 7-67; col. 24, ll. 1-67; col. 31, ll. 63-67; col. 32, ll. 1-10; col. 50, ll. 50-67; col. 51, ll. 1-10; col. 68, ll. 45-65; col. 110, ll. 25-45; col. 114, ll. 14-32; and whole document) implicitly shows all of the elements and limitations of claims 22-24; however,

Von Kohorn lacks explicit recitation of some of elements and limitations of claims 22-24; therefore,

Official Notice is taken that both the concepts and the advantages of those elements and limitations of dependent claims 22-24 not explicitly shown by Von Kohorn were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made



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to a person having ordinary skill in the art that the disclosure of Von Kohorn cited above combined with the knowledge of one skilled in the art implicitly shows those elements and limitations of claims 22-24 which are not explicitly recited in Von Kohorn; and it would have been obvious to modify and interpret the disclosure of Von Kohorn cited above as implicitly showing all of the elements and limitations of claims 22-24, because modification and interpretation of the cited disclosure of Von Kohorn would have provided “*questions and response criteria along with a transmission of the broadcast program. . . .*” (see Von Kohorn (col. 2, ll. 40-60), based on the motivation to modify Von Kohorn so as to “*create added interest and excitement among listeners and viewers, and thus tend to increase the audience. . . .*” (see Von Kohorn (col. 2, ll. 40-60)).

Independent claim 25 is rejected for substantially the same reasons as independent claim 1.

## CONCLUSION

4. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Serial Number: 09/917,792

(Gould et al.)

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Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

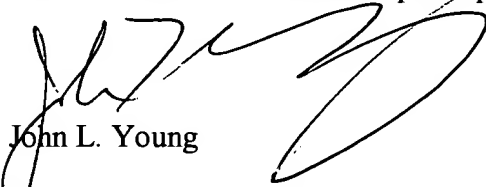
Hand delivered responses may be brought to:

Seventh floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

Primary Patent Examiner

**JOHN LEONARD YOUNG, ESQ.**  
**PRIMARY EXAMINER**

September 7, 2004